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Attorneys for LEXINGTON INSURANCE
COMPANY and THE INSURANCE COMPANY OF THE
STATE OF PENNSYLVANIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AMERICAN STEEL & STAIRWAYS, INC.;)	Case No. 12 cv 3103 SI
MARTIN VOLLRATH, an individual; and)	
THOMAS VOLLRATH, an individual,)	[The Honorable Susan Illston]
)	
Plaintiffs,)	STIPULATION AND [PROPOSED]
)	ORDER TO EXTEND MEDIATION
v.)	DEADLINE; CONTINUE DATE OF
)	INITIAL CASE MANAGEMENT
LEXINGTON INSURANCE COMPANY, a)	CONFERENCE AND WITHDRAW
Delaware corporation; INSURANCE)	MOTION TO EXTEND DEADLINE FOR
COMPANY OF THE STATE OF)	COMPLETING MEDIATION
PENNSYLVANIA, a Pennsylvania)	
corporation; and DOES 1 through 100,)	
inclusive,)	
)	
Defendants.)	
)	

Pursuant to Civil Local Rules, 16-2(e), 7-12, 6-1 and 6-2 and ADR Local Rule 6-5 for the Northern District of California, Defendants Lexington Insurance Company (“Lexington”) and the Insurance Company of the State of Pennsylvania, (“ISOP”) and Plaintiffs American Steel & Stairways, Inc., Martin Vollrath and Thomas Vollrath (collectively “Plaintiffs”), collectively the “Parties,” by their undersigned attorneys, hereby stipulate and agree as follows:

WHEREAS, Plaintiffs filed a Complaint in San Mateo County Superior Court on April 16, 2012 and the case was removed to Federal Court on June 15, 2012;

WHEREAS, the Court set the initial case management conference for September 21, 2012 at 2:30 p.m. and then reset the date for September 20, 2012 at 2:30 p.m.;

WHEREAS, the Court ordered this matter to mediation under ADR L.R. 6 on September 4, 2012 directing a presumptive deadline of December 3, 2012;

WHEREAS, on September 10, 2012, the Court, on its own motion, continued the date of the initial case management conference for November 30, 2012;

WHEREAS, the Court issued its notice of appointment of mediator on October 3, 2012, appointing Anne Lawlor Goyette as mediator;

WHEREAS, counsel for the Parties conducted their initial telephone conference with the appointed mediator on November 5, 2012;

WHEREAS, Plaintiffs need additional time to prepare for the mediation;

WHEREAS, the mediator has agreed to schedule a mediation of this matter for January 10, 2013 if the Court grants an extension of the mediation deadline;

WHEREAS, Plaintiffs filed a Motion to Extend Deadline for Completing Mediation on November 19, 2012 [Dkt. #58];

WHEREAS, pursuant to this Stipulation, Plaintiffs’ Motion to Extend Deadline for Completing Mediation is moot and Plaintiffs agree to withdraw the motion;

WHEREAS, the initial case management conference should be conducted after the Parties’ mediation to avoid unnecessary expenditure of the Court and Parties’ time and resources;

WHEREAS, there has been no prior modification of the mediation deadline or the initial case management conference date by the Parties;

WHEREAS, none of the Parties will be prejudiced by the modification of the mediation deadline or the initial case management conference date;

NOW, THEREFORE, the Parties hereby stipulate to extend the mediation deadline to January 31, 2013, to continue the date for the initial case management conference to February 1, 2013 at 2:30 p.m. or to a date to be scheduled by the Court after the mediation, and to withdraw Plaintiffs' Motion to Extend Deadline for Completing Mediation.

IT IS SO AGREED AND STIPULATED.

DATED: November 20, 2012

SEDGWICK LLP

By: /s/ Diana L. Geseking

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WILLOUGHBY, STUART & BENING

By: /s/ Alexander F. Stuart


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Attorneys for Plaintiffs AMERICAN STEEL
& STAIRWAYS, INC., MARTIN
VOLLRATH and THOMAS VOLLRATH

PURSUANT TO STIPULATION, THE COURT HEREBY ORDERS:

1. The Mediation Deadline is continued to January 31, 2013;
2. The Initial Case Management Conference is continued to Feb. 22, 2013;
3. Plaintiffs' Motion to Extend Mediation Deadline is withdrawn.

DATED: 11/21/12


HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT COURT JUDGE

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 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

AMERICAN STEEL & STAIRWAYS, INC.;)
 MARTIN VOLLRATH, an individual; and)
 THOMAS VOLLRATH, an individual,)

Case No. 12 cv 3103 SI

Plaintiffs,)

[The Honorable Susan Illston]

v.)

CERTIFICATE OF SERVICE

LEXINGTON INSURANCE COMPANY, a)
 Delaware corporation; INSURANCE)
 COMPANY OF THE STATE OF)
 PENNSYLVANIA, a Pennsylvania)
 corporation; and DOES 1 through 100,)
 inclusive,)

Defendants.)

I am familiar with the United States District Court, Northern District of California's
 practice for collecting and processing electronic filings. Under that practice, the following
 document was electronically filed with the court on November 20, 2012:

1 **1. STIPULATION AND [PROPOSED] ORDER TO EXTEND MEDIATION**
2 **DEADLINE; CONTINUE DATE OF INITIAL CASE MANAGEMENT**
3 **CONFERENCE AND WITHDRAW MOTION TO EXTEND DEADLINE**
4 **FOR COMPLETING MEDIATION**

5 The Court's CM/ECF system will generate a Notice of Electronic Filing (NEF) to the
6 filing party, the assigned judge, and any registered users in the case. The NEF will constitute
7 service of the document(s). Registration as a CM/ECF user constitutes consent to electronic
8 service through the Court's transmission facilities. Under said practice, the following CM/ECF
9 users were served:

10 Alexander F. Stuart
11 WILLOUGHBY, STUART & BENING
12 50 W. San Fernando Street, Suite 400
13 San Jose, CA 95113
14 Telephone: 408-289-1972
15 Facsimile: 408-295-6375
16 afs@wsblaw.net

COUNSEL FOR PLAINTIFFS AMERICAN
STEEL & STAIRWAYS, INC., MARTIN
VOLLRATH and THOMAS VOLLRATH

17 I declare under penalty of perjury under the laws of the United States of America that the
18 foregoing is true and correct.

19 Executed on November 20, 2012, at Chicago, Illinois.

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_____/s/ Diana L. Geseking_____
Diana L. Geseking